

administration to scrap the mercury emissions rule. And still, even in the face of widespread mercury contamination of our streams, rivers, lakes, and even oceans, and outcry from many States, the administration refused to reconsider.

Unless Congress acts to disapprove the administration's rule, reduction in the amount of mercury emitted will be substantially delayed. Under the Clean Air Act, utilities are required to use the maximum available control technology to reduce mercury emissions by 2008. The rule we debate today—and that I hope we void—would turn that clock back by 10 years to 2018 and then wouldn't even achieve a target reduction of 70 percent. A 70 percent reduction would not be met until 12 years later. Clean air and water are critical to every individual's health and we cannot put off meeting our original deadline. Cost effective pollution control technology exists to limit mercury emissions and companies are already moving forward on installing such equipment. We should encourage this innovation and move forward to quickly reduce the health risks we know to be associated with this neurotoxin.

The administration's final mercury rule, with its cap and trade emissions proposal, also falls far short of what the Clean Air Act requires to protect people all across the country. This is in part because, as noted by a National Academy of Sciences study, "hot spots" of mercury are the inevitable result of such a cap and trade program. Companies wouldn't be required to control emissions at their source and could instead simply buy their way out of compliance. Although trading programs may work with other pollutants, it will not work with mercury. This flawed approach will lead to highly toxic areas peppered throughout each state instead of across-the-board emissions reduction at each site.

I am not only disturbed by the substance of the EPA's mercury rule but also by investigations that have determined that the process by which the rule was drafted was badly flawed and by the failure of EPA to consider all available data. First, in conducting its investigation of the mercury rule making process and prior to finalization of the rule, the EPA's Inspector General reported the rule's development was "compromised and, therefore, may not represent the lowest emissions level that could be achieved." Second, and before the rule was finalized, the Governmental Accountability Office issued a report that severely criticized the EPA's rulemaking process, finding that it violated the Agency's own policy, as well as OMB guidance and presidential executive orders. Finally, the EPA chose to ignore a Harvard study, which had been commissioned by the EPA, that demonstrated substantial public health benefits to a more stringent mercury rule. Taken together, the three process problems are unacceptable and cause for serious concern. Dis-

couragingly, even in the face of these reports and data, the administration forged ahead with its flawed rule.

Senate Joint Resolution 20 is the first step in protecting our citizens and the environment from the harm we know follows from mercury emissions. I am saddened that we must take this step, but I hope that we can quickly reverse the administration's rule. Swift action by this body and the House will reassure Americans that we are acting with their well-being in mind, and I urge all of my colleagues to support this important resolution.

I ask unanimous consent to print the letter to which I referred in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ATTORNEYS GENERAL AND CHIEF ENVIRONMENTAL OFFICERS FOR THE STATES OF NEW JERSEY, CALIFORNIA, CONNECTICUT, DELAWARE, ILLINOIS, MAINE, MASSACHUSETTS, MINNESOTA, NEW HAMPSHIRE, NEW MEXICO, NEW YORK, PENNSYLVANIA, RHODE ISLAND, VERMONT, WISCONSIN,

September 8, 2005.

DEAR SENATOR: As chief legal and/or environmental enforcement officers for our states, we are writing to express our grave concerns about the Environmental Protection Agency ("EPA") rulemaking regarding mercury emissions from power plants. We urge you to support a bi-partisan joint resolution sponsored by Senators Patrick Leahy and Susan Collins under the Congressional Review Act (S.J. Res. 20), disapproving EPA's attempt to exempt power plants from the stringent control requirements of the hazardous air pollutants section of the Clean Air Act.

In our view, the mercury rules fail to adequately protect the public from harmful mercury emissions from coal-fired power plants, which threaten the health of our nation's children. Significantly, the rules fail to meet the minimum requirements of the Clean Air Act at a time when the threat posed by mercury to public health and the environment is clear. Mercury pollution in our waterways has forced states to issue fish advisories covering more than 13 million acres of our lakes, and 760,000 miles of our rivers. The scope of mercury exposure has led scientists to estimate that up to 600,000 children may be born annually in the United States with neurological problems. These problems require swift and effective regulatory action to limit mercury emissions in the United States.

Section 112 of the Clean Air Act provides the framework for such regulatory action by requiring the maximum achievable level of pollution control on the sources of hazardous air pollutants such as mercury in an expeditious time frame. Unfortunately, EPA's recent rules regulating mercury seek to exempt the single largest U.S. source of mercury, coal-fired power plants from the requirements of section 112. Instead, EPA has promulgated rules that will allow many power plants to avoid any reductions in their mercury emissions, and will prolong the problem of "hot spots" of mercury contamination throughout our nation. The new rules would do little to reduce mercury emissions for decades leaving our most vulnerable citizens, our children, at risk.

The Leahy-Collins resolution is an opportunity for Congress to protect our children and environment by rejecting EPA's attempt to exempt power plants, and their estimated

48 tons of annual mercury emissions, from the clear requirements of the Clean Air Act. EPA's failure to address the threat of mercury as required by the Clean Air Act has forced our states to challenge the new rules in court. In light of the mounting impacts of mercury emissions on public health and the environment, EPA's failure also compels us to request immediate Congressional action on this critical issue. We strongly urge you to vote in support of the Leahy-Collins resolution to require EPA to establish clean air standards that comply with the law and protect public health.

Respectfully submitted,

Peter C. Harvey, Attorney General, for the State of New Jersey, and on behalf of the State of California: Bill Lockyer, Attorney General; the State of Connecticut: Richard Blumenthal, Attorney General; the State of Delaware: M. Jane Brady, Attorney General; the State of Illinois: Lisa Madigan, Attorney General; the State of Maine: G. Steven Rowe, Attorney General; the Commonwealth of Massachusetts: Thomas F. Reilly, Attorney General; the State of Minnesota: Mike Hatch, Attorney General; the State of New Hampshire: Kelly A. Ayotte, Attorney General; the State of New Mexico: Patricia A. Madrid, Attorney General; the State of New York: Eliot Spitzer, Attorney General; the Commonwealth of Pennsylvania: Department of Environmental Protection, Susan Shinkman, Chief Counsel; the State of Rhode Island: Patrick Lynch, Attorney General; the State of Vermont: William H. Sorrell, Attorney General; the State of Wisconsin: Peggy A. Lautenschlager, Attorney General.

Mr. CORZINE. Mr. President, I rise today to express my outrage that my colleagues and I have to fend off yet another attack on the environment by the Bush administration. I am appalled that instead of taking steps toward improving air quality by implementing stricter CAFE standards, reducing greenhouse gas emissions, and other positive measures, the Bush rule takes a giant step backward.

Indeed, the mercury rule put forth by the Bush administration takes American environmental policy back at least 5 years. In 2000, the Environmental Protection Agency determined that powerplants must be regulated under the Clean Air Act because they are the largest remaining sources of mercury pollution and are, therefore, a public health risk. Up until the spring of 2003, EPA was working toward finalizing an effective regulatory policy to reduce mercury emissions from powerplants by over 90 percent beginning in 2008. But in 2003, the Bush administration reversed course by developing this new rule that exempts powerplants from any regulation under the Clean Air Act. Bowing to industry pressure, the Bush rule will do nothing to reduce emissions for at least a decade and once implemented, will only reduce mercury emissions to approximately one-third of what the Clean Air Act requires. This decision is irresponsible in light of all of the evidence about the dangers of mercury emissions. Mr. President, mercury emissions are continuing to grow and are endangering